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In re Application of
BORNMANN, et al.
Application No.: 10/533,907
PCT No.: PCT/EP03/13307
Int. Filing Date: 26 November 2003
Priority Date: 27 November 2002
Atty Docket No.: 2005_0770A
For: METHOD AND DEVICE FOR APPLYING A
TEXTILE AUXILIARY DURING THE STITCH
BONDING OF GEOTEXTILES INVOLVING A
HYDRODYNAMIC STITCH-BONDING
PROCESS

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's "THIRD REQUEST FOR CORRECTED FILING RECEIPT" filed 20 March 2007 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a 35 U.S.C. 371 date of 02 December 2005. No petition fee is required.

A review of the application file finds that applicant provided an executed declaration of the inventors and an English language translation of the international application on 02 October 2005. On 03 October 2005, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating the need to provide the two above items, as well as, the appropriate surcharge and processing fee for providing these items later than thirty months from the priority date.

On 02 December 2005, applicant filed a response which included payment of the surcharge and processing fees.

On 01 March 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 02 October 2005 and the date of completion of all 35 U.S.C. 371 requirements as 02 December 2005. Applicant was concurrently mailed a filing receipt which listed the "filing or 371 (c) date" as "10/02/2005." Applicant seeks a correction of this date to read 02 December 2005.

As explained in the Manual of Patent Examining Procedure (MPEP) section 1893.03(b):

The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to

clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.

As the filing receipt correctly shows the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 02 October 2005, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is being returned to Group Art Unit 1733.



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